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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,167	11/10/2000	John M. Schlarb	A-6728	3220

5642 7590 07/28/2005

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EXAMINER

NALEVANKO, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/709,167

Applicant(s)

SCHLARB ET AL.

Examiner

Christopher R. Nalevanko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 42-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 42-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 05/06/2005 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 42-53, 55, 57, 75, 76, 79, and 81 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lasky (6,367,078).

Regarding Claim 1, Lasky shows in a television network, a terminal for displaying television program information and television programs (col. 4 lines 10-35, EPG system allowing to display category information and television program), the terminal comprising an interface to the television network, the interface being capable of receiving a first data (col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network), including respective program information for a plurality of corresponding television programs (col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), a memory configured for storing the first data and a second data (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52),

the second data different than the first data, the second data comprising a plurality of assigned categories to television channels (col. 6 lines 1-20, category information including movies, sports, specials, news, etc., col. 6 lines 50-67, associating channel numbers and categories), and a processor coupled to the memory for causing the display of program information corresponding to the first data and corresponding to at least one television channel being determined by a corresponding category in the second data (col. 5 lines 30-45, control program and clock I/O module, col. 6 lines 20-67, displaying category with television program, allowing using to select next program that is in corresponding category). Because Lasky shows that each channel can receive multiple programs with multiple categories (col. 6 lines 1-20, each program designated differed category), subsequently each channel is assigned a plurality of categories. As shown by the scrolling through of each program of a given category (col. 6 lines 30-65), a channel is designated a certain category at a particular time, which changes to a different category depending on the broadcast information.

Regarding Claim 42, Lasky shows that the processor causes the display in a browse banner of at least a portion of the first data, including information of the at least one channel based and program information corresponding to the first portion of first data (see fig. 6b, col. 6 lines 30-65, channel number and title of program).

Regarding Claim 43, Lasky shows that the display of the browse banner on top of a portion of the television program is responsive to receiving an input signal to initiate the browse command (col. 6 lines 27-65, indicating that the "channel hat" icon is displayed when a user changes the channel, activating the browser or "channel hat").

Regarding Claim 44, Laksy shows that the processor can display a browser banner to replace a portion of the first data being displayed, the second portion of the first data being displayed according to a display configuration different than the browse banner configuration (col. 5 lines 45-63, col. 6 lines 20-30, displaying program information in a program guide grid and banner system, as opposed to the “channel hat” method).

Regarding Claim 45, Lasky shows displaying the corresponding category assigned to the channel in the banner (fig. 6b, category 624 series (comedy)).

Regarding Claim 46, Lasky shows that the display of the assigned category in the browser banner is responsive to a user selection from one from a plurality of categories (col. 9 lines 55-67, col. 10 lines 1-10, surfing different programs by changing categories).

Regarding Claim 47, Lasky shows that a portion, or selected, category of the plurality of categories is shown to the user in the banner (fig. 6b, category 624 series (comedy)).

Regarding Claim 48, Laksy shows a graphical representation of navigation keys used on a user input device to browse the program information corresponding to the at least one television channel being determined by the corresponding assigned category in the second data (fig. 6b, left and right arrows).

Regarding Claim 49, Laksy shows the processor blocking the tuning of television channels different than the at least one television channel being determined by the corresponding assigned category in the second data (col. 6 lines 30-65, scrolling left and right only displays those programs that are within the selected category).

Regarding Claim 50, Laksy shows the processor restricts channel tuning to only the at least one channel being determined by a corresponding assigned category in the second data (col. 6 lines 30-65, scrolling left and right only displays those programs that are within the selected category).

Regarding Claim 51, Lasky shows that the one channel is a plurality of channels corresponding to the assigned category in the second data (\*\*\*) and the processor causes the channel tuning to only said plurality of based on an order of said plurality of channels determined by a user sorted listing of said pluralities of channels (\*\*\*)

Regarding Claim 52, Laksy shows that the at least one television channel being determined by a corresponding assigned category in the second data has two assigned categories (col. 6 lines 1-20, category information including movies, sports, specials, news, etc., col. 6 lines 50-67, associating channel numbers and categories). As discussed above, because Lasky shows that each channel can receive multiple programs with multiple categories (col. 6 lines 1-20, each program designated differed category), subsequently each channel is assigned a plurality of categories. As shown by the scrolling through of each program of a given category (col. 6 lines 30-65), a channel is designated a certain category at a particular time, which changes to a different category depending on the broadcast information.

Regarding Claim 53, Laksy shows a terminal comprising an interface to the television network, said interface being capable of receiving a first data and a second data, said first data including respective program information for a plurality of corresponding television programs (col. 5 lines 30-45, data input module 56, col. 6 lines

1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), said second data comprising respective television channel identification for a plurality of television channels and respective associations of one or more categories to each television channel identification (col. 6 lines 30-65, category, title, and channel data), a memory configured for storing the first data and the second data (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52), and a processor, coupled to the memory, for causing the display of program information in the first data (col. 5 lines 30-45, control program and clock I/O module, col. 6 lines 20-67, displaying category with television program, allowing using to select next program that is in corresponding category), said program information corresponding to television programs being provided by at least a portion of the plurality of television channels said at least portion of the plurality of television channels being determined by a corresponding association to a first category in the second data (col. 6 lines 30-40, showing existence of other programs within the same category).

Regarding Claim 55, Lasky shows a terminal comprising a memory configured for storing respective program information for a plurality of corresponding television programs and respective associations of one or more categories for a plurality of corresponding television channels (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length,

and category information), and a processor, coupled to the memory, for causing the display of a browse banner on top of a portion of a first television program being displayed responsive to receiving an initial activation of a browse command (col. 5 lines 30-45, control program and clock I/O module, col. 6 lines 20-67, displaying category with television program, allowing using to select next program that is in corresponding category, fig. 6b browsing banner), said browse banner comprising a first program information in the first data (fig. 6b, title and channel number), said first program information corresponding to a second television program different than the first television program, wherein the processor causes the display of browse banner on top of the first television program without providing the second television program (col. 6 lines 30-40, channel hat showing existence of other programs and channels relating to the selected category).

Regarding Claim 57, Laksy shows a terminal comprising a memory configured for storing respective program information for a plurality of corresponding television programs and a plurality of television channel categories (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), each television channel category being associated with a corresponding plurality of television channels (col. 6 lines 6-65, multiple categories for each channel depending on broadcasted program), and a processor coupled to the memory col. 5 lines 30-45, control program and clock I/O module), said



processor configured to receive a user-selected television channel category (col. 9 lines 55-67, col. 10 lines 1-10, user scrolls through available categories), and responsive to the receiving the user-selected television channel category provide program information exclusively for television programs corresponding to television channels associated with the user-selected television channel category (col. 6 lines 30-65, scrolling left and right only displays those programs that are within the selected category).

Regarding Claim 75, Lasky shows a terminal comprising a memory configured for storing a first data received via an interface (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information) in the terminal to the television network, said first data including respective program information for a plurality of corresponding television programs (col. 6 lines 1-20, title field, time slot, end offset, start offset, length), said first data corresponding exclusively to program information corresponding to television programs according to at least one user-selected category (col. 6 lines 1-20, multiple categories, and each program having different categories; because Lasky shows that each channel can receive multiple programs with multiple categories, subsequently each channel is assigned a plurality of categories, col. 9 lines 55-65, user select desired category), and a processor, coupled to the memory (col. 5 lines 30-45, control program and clock I/O module), said processor configured to cause receiving the first data from the television network (data input module 56, col. 6 lines 1-20, receiving program guide

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information from television distribution network), and cause display of program information for television programs in the first data (see fig. 6b, title, channel number, category).

Regarding Claim 76, Lasky shows that one user-selected category includes a movies category (col. 6 lines 10-17).

Regarding Claim 79, Lasky shows that the processor causes the display of corresponding programs exclusively to the at least one user selected television channel category (col. 6 lines 30-65, scrolling left and right only displays those programs that are within the selected category). All other limitations have been discussed with regards to Claim 75.

Regarding Claim 81, Lasky shows a terminal comprising a memory configured for storing respective program information for a plurality of corresponding television programs (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information) and a plurality of categories affecting the display of program information (col. 6 lines 1-20, multiple categories, and each program having different categories; because Lasky shows that each channel can receive multiple programs with multiple categories, subsequently each channel is assigned a plurality of categories, col. 9 lines 55-65, user select desired category), and a processor, coupled to the memory (col. 5 lines 30-45, control program and clock I/O module), said processor configured to cause display of

program information corresponding to television programs according to a television channel category and a television program category (fig. 6b, col. 6 lines 1-67), said television channel category being in association with at least one corresponding television channel (col. 6 lines 30-65) and said television program category being in association with the corresponding program information of at least one television program (col. 6 lines 1-20, programs assigned a category). As stated above, since the type of program frequently switches, the category displayed on each channel changes also. This effectively assigns a channel category to the channel based on the current program.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 51 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasky (6,367,078) in further view of Amano et al (5,585,865).

Regarding Claim 51, Lasky shows that at least one channel is a plurality of channels corresponding to the assigned category in the second data (col. 6 lines 30-50, existence of other channels in category) and the processor causes the channel tuning to only said plurality of based on an order (col. 6 lines 30-50, channels arranged in numerical order in that particular category). Lasky fails to show that this order is

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determined by the user. Amano shows that the order of channels is determined by a user sorted listing of said pluralities of channels (col. 6 lines 30-50, col. 7 lines 8-21, programs in a designated channel are ordered based on the number of times the user watches that channel, with is user determined). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to have the user modify the order of listings, as in Amano, so that the user was presented with a highly customized channel line up.

Regarding Claim 77, Lasky shows a terminal comprising a memory configured for storing respective program information for a plurality of corresponding television programs (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information) and a plurality of categories affecting the display of program information (col. 6 lines 1-20, multiple categories, and each program having different categories; because Lasky shows that each channel can receive multiple programs with multiple categories, subsequently each channel is assigned a plurality of categories, col. 9 lines 55-65, user select desired category), and a processor, coupled to the memory (col. 5 lines 30-45, control program and clock I/O module), said processor configured to cause display of program information corresponding to television programs according to a television channel category and a television program category (fig. 6b, col. 6 lines 1-67). Lasky shows the processor causes the channel tuning to only said plurality of based on an order

(col. 6 lines 30-50, channels arranged in numerical order in that particular category).

Lasky fails to show that this order is determined by the user. Amano shows that the order of channels is determined by a user sorted listing of said pluralities of channels (col. 6 lines 30-50, col. 7 lines 8-21, programs in a designated channel are ordered based on the number of times the user watches that channel, with is user determined). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to have the user modify the order of listings, as in Amano, so that the user was presented with a highly customized channel line up.

4. Claims 54, 56, 58-68, 70, 71, 73, 74, and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasky (6,367,078) in further view of Yuen et al (5,673,089).

Regarding Claim 54, Lasky fails to show that one of the categories is a local channel. Yuen shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to designate local channels, as in Yuen, so that a user could specify all local channels as a viewing subset. This would allow easy access to local programming.

Regarding Claim 56, Lasky fails to show that one of the categories is a local channel. Yuen shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to designate local channels, as in Yuen, so that a user could specify

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all local channels as a viewing subset. This would allow easy access to local programming.

Regarding Claim 58, Lasky fails to show that one of the categories is a local channel. Yuen shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to designate local channels, as in Yuen, so that a user could specify all local channels as a viewing subset. This would allow easy access to local programming.

Regarding Claim 59, Lasky shows a terminal comprising an interface for receiving data from to the television network, said interface being capable of receiving a first data and a second data, said first data including respective program information for a plurality of corresponding television programs, said second data comprising a plurality of categories (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), each category being associated with a corresponding plurality of television channels, said plurality of categories including a first category (col. 6 lines 1-20, multiple categories, and each program having different categories; because Lasky shows that each channel can receive multiple programs with multiple categories, subsequently each channel is assigned a plurality of categories), a memory configured for storing the first and the

second data (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56), and a processor (col. 5 lines 30-45, control program and clock I/O module), coupled to the memory, receiving a second user input corresponding to the first category (col. 9 lines 55-65, pressing up and down to select category), and responsive to the receiving the second user input, cause the display of program information for television programs corresponding to television channels associated with the first category (see fig. 6b, title, channel number, category), wherein the association of the first category to at least one television channel is received by the terminal from the television network (col. 6 lines 1-20, receiving program information including categories from television distribution network). Lasky fails to show receiving a user input corresponding to the assignment of the first category to a first television channel and responsive to the receiving the first user input, store the association of the first category and the first television channel in the memory. Yuen shows receiving a user input corresponding to the assignment of the first category to a first television channel (col. 5 lines 10-32, 36-67, col. 6 lines 1-26, user assigning multiple channel themes; user can also assign different channels to different themes (ABC under sports and news), hence assigning the channel different categories depending on the type of programming) and responsive to the receiving the first user input, store the association of the first category and the first television channel in the memory (col. 5 lines 10-16, channels stored in theme memory). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the user ability to assign categories to channels, as shown in Yuen, so that the

user could customize a variety of display options in order to enhance the viewing experience.

Regarding Claim 60, Yuen further shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting).

Regarding Claim 61, Lasky shows a terminal comprising an interface for receiving data from to the television network, said interface being capable of receiving a first data and a second data, said first data including respective program information for a plurality of corresponding television programs (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), said second data comprising a plurality of categories, each category being associated with a corresponding plurality of television channels (col. 6 lines 1-20, multiple categories, and each program having different categories; because Lasky shows that each channel can receive multiple programs with multiple categories, subsequently each channel is assigned a plurality of categories), said plurality of categories including a first category, a memory configured for storing the first and the second data (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56), and a processor, coupled to the memory (col. 5 lines 30-45, control program and clock I/O module), and receiving a second user input to cause the display of program information



for television programs corresponding to television channels associated with the first category (see fig. 6b, title, channel number, category), wherein the association of the first category to at least one television channel is received by the terminal from the television network (col. 6 lines 1-20, receiving program information including categories from television distribution network). Lasky fails to show receiving a first user input corresponding to removing the association of the first category to a first television channel, responsive to the receiving the first user input, removing the association of the first category to the first television channel in the memory. Yuen shows receiving a user input corresponding to the assignment of the first category to a first television channel (col. 5 lines 10-32, 36-67, col. 6 lines 1-26, user assigning multiple channel themes; user can also assign different channels to different themes (ABC under sports and news), hence assigning the channel different categories depending on the type of programming) and responsive to the receiving the first user input, store the association of the first category and the first television channel in the memory (col. 5 lines 10-16, channels stored in theme memory). Additionally, since the user has entire control of how channels and categories are assigned (col. 5 lines 60-67, user has entire control of category assignment), the user would be able to remove a category assignment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the user ability to assign and remove categories to channels, as shown in Yuen, so that the user could customize a variety of display options in order to enhance the viewing experience.

Regarding Claim 62, Yuen further shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting).

Regarding Claim 63, Lasky shows a terminal comprising an interface for receiving data from to the television network, said interface being capable of receiving a first data and a second data, said first data including respective program information for a plurality of corresponding television programs (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), said second data comprising a plurality of categories, each category being associated with a corresponding plurality of television channels (col. 6 lines 1-20, multiple categories, and each program having different categories; because Lasky shows that each channel can receive multiple programs with multiple categories, subsequently each channel is assigned a plurality of categories), said plurality of categories including a first category, a memory configured for storing the first and the second data (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56), and a processor, coupled to the memory (col. 5 lines 30-45, control program and clock I/O module), where the processor is configured to cause replacing of the second data in the second portion of the memory with a new data, said new data comprising a third data set and the modified first association, said third data being received from the television

network, said third data corresponding to an updated version of the second data, said third data including the first association (col. 6 lines 1-20, EPG information received from network and master program guide data is stored in memory). Although not specifically stated, it is well understood that the EPG system frequently receives updated information from the head-end to update the program database. This allows the memory to have information regarding current shows and soon to be aired shows. The updating of the EPG information is a necessary process because of the impossibility of holding every bit of EPG information. Furthermore, because certain programs are not scheduled that far in advance, frequent updating is necessary to allow the system to stay current. Lasky further shows causing the display of program information for television programs corresponding to television channels associated with the first category (see fig. 6b, title, channel number, category) stored in the memory. Lasky fails to show receiving a first user input corresponding to a modification of the first association and responsive to the first user input, cause a modified second data by storing the modified first association in the second portion of the memory. Yuen shows receiving a user input corresponding to the assignment of the first category to a first television channel (col. 5 lines 10-32, 36-67, col. 6 lines 1-26, user assigning multiple channel themes; user can also assign different channels to different themes (ABC under sports and news), hence assigning the channel different categories depending on the type of programming) and responsive to the receiving the first user input, store the association of the first category and the first television channel in the memory (col. 5 lines 10-16, channels stored in theme memory). It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify Lasky with the user ability to assign and remove categories to channels, as shown in Yuen, so that the user could customize a variety of display options in order to enhance the viewing experience.

Regarding Claim 64, Yuen further shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting).

Regarding Claim 65, Lasky shows a terminal comprising an interface for receiving data from the television network, said interface being capable of receiving a first data and a second data (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), said second data being different than the first data, said first data including respective program information for a plurality of corresponding television programs (col. 6 lines 1-20, title field, time slot, end offset, start offset, length), said second data comprising a plurality of categories affecting the display of program information (col. 6 lines 1-20, categories), a memory including a first portion configured for storing the first data and a second portion configured for storing the second data (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program), and a processor, coupled to the memory (col. 5 lines 30-45, control program and clock I/O module), said processor configured to cause display of program information for television programs according to at least one category stored in the

second portion of the memory (fig. 6b category displayed), said program information stored in the first portion of the memory (col. 6 lines 1-20, title field, time slot, end offset, start offset, length). Lasky fails to show that the second, category data, is received separately from the first data. Yuen shows receiving supplementary category data from the user, separate from the first data, over an interface (col. 5 lines 10-60, using television interface to input theme data into the memory of the EPG according to user selection). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the user ability to receive the category data separately, as shown in Yuen, so that the user could customize a variety of display options in order to enhance the viewing experience.

Regarding Claim 66, Lasky shows that one user-selected category includes a movies category (col. 6 lines 10-17).

Regarding Claim 67, Lasky shows the processor is configured to cause replacing of the second data in the second portion of the memory with a new data, said new data comprising a third data set and the modified first association, said third data being received from the television network, said third data corresponding to an updated version of the second data, said third data including the first association (col. 6 lines 1-20, EPG information received from network and master program guide data is stored in memory). Although not specifically stated, it is well understood that the EPG system frequently receives updated information from the head-end to update the program database. This allows the memory to have information regarding current shows and soon to be aired shows. The updating of the EPG information is a necessary process because of the

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impossibility of holding every bit of EPG information. Furthermore, because certain programs are not scheduled that far in advance, frequent updating is necessary to allow the system to stay current.

Regarding Claim 68, Lasky shows causing the display of a first portion of the first data when the second data is stored in the second portion of the memory and cause display of a second portion of the first data when the third data is stored in the second portion of the memory, said second portion of the first data being different than the first portion of the first data (fig. 6b, col. 9 lines 45-65, displaying all EPG information and category information, col. 6 lines 1-20, EPG information different than category information).

Regarding Claim 70, Lasky shows that each individual data piece corresponding to different program attributes is stored in a different memory segment (fig. 6a, col. 5 lines 64-67, data fields).

Regarding Claim 71, Lasky shows the processor is configured to cause replacing of the second data in the second portion of the memory with a new data, said new data comprising a third data set and the modified first association, said third data being received from the television network, said third data corresponding to an updated version of the second data, said third data including the first association (col. 6 lines 1-20, EPG information received from network and master program guide data is stored in memory). Although not specifically stated, it is well understood that the EPG system frequently receives updated information from the head-end to update the program database. This allows the memory to have information regarding current shows and soon to be aired

shows. The updating of the EPG information is a necessary process because of the impossibility of holding every bit of EPG information. Furthermore, because certain programs are not scheduled that far in advance, frequent updating is necessary to allow the system to stay current.

Regarding Claim 73, Lasky shows a terminal comprising a memory configured for storing respective program information for a plurality of corresponding television programs and a plurality of categories affecting the display of program information (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), each said category having a different identification (col. 6 lines 1-20, multiple categories, and each program having different categories; because Lasky shows that each channel can receive multiple programs with multiple categories, subsequently each channel is assigned a plurality of categories), and a processor, coupled to the memory (col. 5 lines 30-45, control program and clock I/O module), said processor configured to cause display of program information for television programs corresponding to a first category, said first category being identified by a first identification (fig. 6b category displayed), and cause display of program information for television programs corresponding to a first category, said first category being identified by a second identification (fig. 6b). Lasky fails to show receiving a first user input corresponding to a modification of the first association and responsive to the first user input, cause a modified second data by storing the modified first association in the second portion of the memory. Yuen shows receiving a user input

corresponding to the assignment of the first category to a first television channel (col. 5 lines 10-32, 36-67, col. 6 lines 1-26, user assigning multiple channel themes; user can also assign different channels to different themes (ABC under sports and news), hence assigning the channel different categories depending on the type of programming) and responsive to the receiving the first user input, store the association of the first category and the first television channel in the memory (col. 5 lines 10-16, channels stored in theme memory). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the user ability to assign and remove categories to channels, as shown in Yuen, so that the user could customize a variety of display options in order to enhance the viewing experience.

Regarding Claim 74, Yuen further shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting).

Regarding Claim 80, Lasky fails to show that one of the categories is a local channel. Yuen shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to designate local channels, as in Yuen, so that a user could specify all local channels as a viewing subset. This would allow easy access to local programming.

5. Claims 69 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasky (6,367,078) in further view of Yuen et al (5,673,089) and Knee et al (6,014,184).



Regarding Claim 69, Both Lasky and Yuen fail to specifically state that the second data is updated more frequently than the first data. Knee clearly shows streaming updated information for only a portion of a selected category of data (col. 41 lines 35-65, col. 42 lines 10-30, 45-55, col. 43 lines 30-50, using data streams to update information only pertaining to a certain category). It would have been obvious to one of ordinary skill in the art to modify Lasky and Yuen with the ability to update only a portion of the EPG data, as shown in Knee, so that the system would not waste bandwidth.

Regarding Claim 72, Both Lasky and Yuen fail to specifically state updating one set of data while not updating the other. Knee clearly shows streaming updated information for only a portion of a selected category of data (col. 41 lines 35-65, col. 42 lines 10-30, 45-55, col. 43 lines 30-50, using data streams to update information only pertaining to a certain category). It would have been obvious to one of ordinary skill in the art to modify Lasky and Yuen with the ability to update only a portion of the EPG data, as shown in Knee, so that the system would not waste bandwidth.

6. Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lasky (6,367,078) in further view of Amano et al (5,585,865) and Yuen et al (5,673,089).

Regarding Claim 78, Lasky and Amano fail to show that one of the categories is a local channel. Yuen shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky and Amano with the ability to designate local channels, as in Yuen, so that

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a user could specify all local channels as a viewing subset. This would allow easy access to local programming.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yee et al U.S. Patent No. 5,210,611 discloses an automatic tuning radio/tv using filtered seek.

Na U.S. Patent No. 5,296,931 discloses a channel selecting method for programs of the same category.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Nalevanko whose telephone number is 571-272-7299. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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